

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Capitol Records, LLC; Caroline Records, Inc.;	:	
Virgin Records America, Inc.; EMI Blackwood	:	
Music, Inc.; EMI April Music, Inc.; EMI Full	:	
Keel Music, Inc.; EMI Virgin Music, Inc.; EMI	:	
Robbins Catalog, Inc.; EMI Waterford Music,	:	
Inc.; EMI Grove Park Music, Inc.; Colgems-	:	
EMI Music, Inc.; and EMI Virgin Songs, Inc.,	:	INDEX No. 08 CV 5831 (HB)
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
VideoEgg, Inc.; hi5 Networks, Inc.; and Does	:	
1-10,	:	
	:	
Defendants.	:	
-----	X	

**SUPPLEMENTAL AFFIDAVIT OF RAMU YALAMANCHI**

State of California                    )  
  )       ss:  
County of San Francisco            )

Ramu Yalamanchi, being duly sworn, deposes and says:

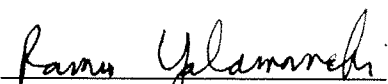
1. I am over the age of eighteen and have personal knowledge of the facts below, except to the extent otherwise stated. I am a founder and the Chief Executive Officer of hi5 Networks, Inc. ("hi5" or "the Company"). I submit this affidavit in further support of hi5's Motion to Dismiss the Complaint or, Alternatively, to Transfer Venue.

2. To my knowledge, before this lawsuit was filed, hi5 never received a take-down notice from any named plaintiff in this case claiming that one of its copyrights was being infringed by a hi5 user's video content on the website, and asking hi5 to take down the content.

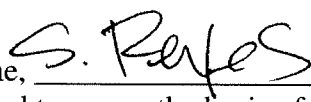
3. The VideoEgg video functionality at issue in this case was terminated on the website before this lawsuit was filed.

4. In the plaintiff's opposition to our motion, they discuss a hi5 webpage that was up at one time listing certain "top cities." To my knowledge, this list of cities was displayed to all users in the United States, Canada, Greenland, and St. Pierre and Miquelon, without regard to where any particular user was located.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Affidavit was executed on August 28, 2008, at San Francisco, California.

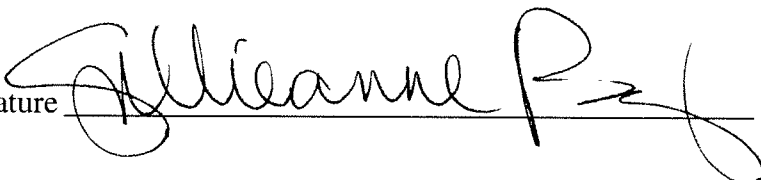
  
Ramu Yalamanchi

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN FRANCISCO )

On August 28, 2008 before me, , Notary Public, personally appeared Ramu Yalamanchi, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature  (Seal)

